

United States District Court

DISTRICT OF KANSAS

UNITED STATES OF AMERICA

v.

ORDER OF DETENTION PENDING TRIALLORENZO L. LLOYD*Defendant*

Case Number: 09-mj-8062-01-DJW

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f) (1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.
- _____
- _____
- _____
- _____

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that

(See attached pages)

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: June 3, 2009

s/ David J. Waxse*Signature of Judicial Officer*DAVID J. WAXSE, U.S. MAGISTRATE JUDGE*Name and Title of Judicial Officer*

Part II - Written Statement of Reasons for Detention

There are a series of factors I have to consider to determine whether there are conditions of release that will assure your appearance and the safety of the community or any person in the community.

The first factor is the nature and circumstances of the offense charged, including whether the offense is a crime of violence. You are charged with a firearm violation which is deemed to be a crime of violence, which is a negative.

The next factor is the weight of the evidence. There has been a probable cause determination, which is a negative.

The next factor is the history and characteristics of the person, which includes your physical and mental condition. There is nothing problematic about that, which is positive.

Family ties would be positive.

Employment would be negative.

Financial resources is unclear. You were able to post a \$50,000.00 bond and shortly after posting the bond you had \$700.00.

Length of residence in the community is positive.

Community ties are positive.

The next factor is past conduct, which includes history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings. You do not have a lot of convictions but you certainly have a lot of court proceedings. When you were released in February 2002 you violated conditions four or five times, which is a big problem.

The next factor is whether at the time of the current offense or arrest you were on probation, parole, or other release. It does not appear that you were.

Finally is the nature and seriousness of the danger to any person of the community that would posed by your release. Any time you possess Glock firearms when you are not supposed to have any firearm is clearly a danger to the community .

My conclusion is that there probably are conditions I could set as suggested by your counsel, but I do not have any confidence that you have any desire or ability to comply. According to the Report there are five warrants out of Kansas City, Missouri where you were arrested or given a ticket and released, and then never complied with the order to appear. I do not have any confidence that you would comply with any conditions I set, so you will remain detained pending further hearing.